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New York

President: Ms. Espinosa Garcés. . . . . (Ecuador)

The meeting was called to order at 3.15 p.m.

Agenda item 130

International Residual Mechanism for Criminal Tribunals

Note by the Secretary-General (A/73/289)

The President (*spoke in Spanish*): I now call on Judge Theodor Meron, President of the International Residual Mechanism for Criminal Tribunals.

Judge Meron (International Residual Mechanism for Criminal Tribunals): It is my profound privilege to appear before the General Assembly once again, and for the final time, as President of the International Residual Mechanism for Criminal Tribunals. Before turning to the substance of my remarks, I would like to take this opportunity to warmly congratulate you, Madam President, on Ecuador's assumption of the presidency of the Assembly and to wish you every success during your term.

I would also like to express my thanks for the vital support and cooperation provided to the Mechanism by the Office of Legal Affairs, and especially by Mr. Miguel de Serpa Soares, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, and Mr. Stephen Mathias, Assistant Secretary-General for Legal Affairs.

Justice, accountability and the rule of law are principles that stand out among our noblest and highest ideals. Commitment to those principles forms the bedrock of our Organization. But as familiar as those ideals may be, I would nonetheless ask all of us to pause for a moment and reflect on why they matter. Justice matters because it is by pursuing accountability through independent, impartial and rigorously fair adjudication that we cement respect for the rule of law, and, by doing so, shape the bricks that pave the way for us along pathways to peace.

Justice matters because it is through judicial proceedings that we defend, and demand adherence to, the values embodied in our laws — laws that, in many ways, reflect our better selves, laws that denounce cruelty and malice and, at the international level, laws that reflect the fundamental expectation that, even in the chaos of armed conflicts, we shall be guided by and strive to protect, basic humanity.

Justice matters because, at its core, it represents a profound acknowledgment of human dignity, the importance of every life, the pain of victims and the responsibility we have for one another. In everyday life we may not reflect a great deal upon the value of justice, accountability or the rule of law, but it is when we stand aggrieved, watch loved ones taken away on trains and trucks never to return, bear witness to brutality and barbarism, or bear that ourselves, that we are most keenly aware of the value of justice. And it is when we endeavour to rebuild our lives and our communities in the wake of devastating violence and strive together to bring about lasting peace that we are most aware of the crucial foundation that justice, accountability and the rule of law provide.

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Over the course of nearly three-quarters of a century, the United Nations has borne witness, time and again, to horrific atrocities and utter inhumanity. In the face of some of the worst crimes, conflict and chaos imaginable, the United Nations is at its undeniable best when it acts swiftly and decisively to prevent suffering and takes concrete steps to ensure that our common and vital commitment to justice, accountability and the rule of law will be upheld. The International Criminal Tribunal for Rwanda (ICTR) and the International Tribunal for the Former Yugoslavia (ICTY) were born of just such compelling demands for justice and accountability. From the time they were established, those Tribunals were true pioneers, blazing a trail for all of the other efforts to ensure individual accountability for violations of international law that would follow in the intervening years.

In case after case, the Tribunals clarified the contours of international humanitarian and human rights law, reinforced respect for the rule of law and made it plain that no one stands above it. They demonstrated the singular importance of fairness and due process. And they brought into sharp focus the horrific atrocities committed during the 1994 genocide against the Tutsi in Rwanda and across the region of the former Yugoslavia during the terrible conflicts there. In short, the legacy of the Tribunals is a remarkable one. And it is one that the International Residual Mechanism for Criminal Tribunals, as their successor and the institution established to carry out and complete their residual, essential responsibilities, proudly carries forward today.

As set forth in its annual report submitted in August (see A/73/289), the Mechanism made good progress over the course of the past year. From providing protection and support for vulnerable victims and witnesses to supervising the enforcement of sentences of those convicted, and from preserving and managing the Tribunals' incomparable archives to responding to requests for assistance from national jurisdictions, the Mechanism continued to carry out the core functions entrusted to it. As detailed in the report, the Prosecutor for the Mechanism, Mr. Serge Brammertz, and his Office also continued their efforts to locate and arrest the remaining fugitives indicted by the ICTR and the Mechanism. The cooperation of Member States with those efforts remains vital to ensuring that the fugitives are brought to justice. State cooperation is also vital for so many other aspects of the Mechanism's work, such as the enforcement of the sentences of those convicted, the relocation of those who have been acquitted and released and the ability of the Mechanism to function smoothly on the territories of its host States.

And of course, the Mechanism has continued to be engaged in a wide range of judicial activities, with the Judges of the Mechanism issuing one appeal judgment and scores of other decisions and orders during the reporting period, as well as amending the Rules of Procedure and Evidence. In addition, significantly, the Judges adopted a revision to the Code of Professional Conduct for the Judges of the Mechanism, which introduced a disciplinary procedure. That is further evidence of the Mechanism's commitment to accountability and best practices in all that it does.

As set forth in the report, the Mechanism reached another important milestone when, following the closure of the ICTY, in December 2017, the Mechanism began to operate, for the first time since its establishment, as a stand-alone institution, without the support of its predecessors. While it weathered unexpected budgetary challenges during that same time frame, thanks to the leadership of the Registrar of the Mechanism, Mr. Olufemi Elias, the exceptional professionalism and dedication of the Mechanism's staff and the support of the General Assembly, the Mechanism, as an institution, emerged with a demonstration of resilience. Indeed, in many ways, we have redoubled our efforts to improve operations, working methods and procedures so as to maximize efficiency and effectiveness while also seeking to serve as a model of careful stewardship of the limited resources entrusted to us.

Although the reporting period ended on 30 June, before concluding my remarks I would like briefly to touch upon three developments that have since occurred.

First, it grieves me to report the sad passing away, earlier this month, of Judge Mparany Mamy Richard Rajohnson of Madagascar, a colleague who was appreciated and respected by his fellow Judges and staff alike, both at the Mechanism and, before that, at the ICTR. He will be greatly missed. With his passing, and in the light of two other vacancies on the judicial roster created by the departure of Judge Bakone Justice Moloto of South Africa and the non-renewal of the term of Judge Aydin Sefa Akay of Turkey, the Mechanism now has only 22 Judges on its roster. I wish to take this opportunity to express my appreciation to all those who are taking steps to help fill those vacancies.

Secondly, I am pleased to report that the Arusha Branch of the Mechanism began its first judicial activity in September, with the initial appearance of five individuals indicted on charges of contempt of court. That first hearing went very smoothly and demonstrates the Mechanism's readiness to respond at short notice once the remaining fugitives who are expected to be tried by the Mechanism are located and arrested.

Finally, as some may already be aware, changes were made in recent weeks to the composition of the Appeals Chamber benches that are hearing the appeals in the cases of Ratko Mladić and Radovan Karadžić following motions for the disqualification of certain Judges, including myself. In the Mladić case, and in accordance with the Rules of Procedure and Evidence, the responsibility to decide the motions for disqualification was assumed by the most senior Judge able to act, who granted the motions to disqualify Judge Carmel Agius, Judge Liu Daqun and myself. In the Karadžić case, following the filing of a motion for my disqualification, I withdrew from the case prior to the senior Judge issuing a ruling. While I have every confidence that my fellow Judges now on the benches of those two cases will take all possible measures to ensure that the changes in bench composition do not extend the time for those proceedings any more than necessary, I regret that I will no longer be in a position to see the Karadžić case to its conclusion by the end of the year, as had been the aim. Nonetheless, as set forth in my decision to withdraw from the bench in that case, I considered it to be in the interest of justice that I withdraw from the case in order to not allow the then-pending disqualification proceedings to impede the progress of the appeals in the case.

I end my remarks as I began them today, with a focus on justice. Underlying the establishment of the ICTY in the early 1990s was a principle brilliantly articulated by the German philosopher Georg Wilhelm Friedrich Hegel: Let justice be done, lest the world should perish. That same principle must continue to guide us today — not just at the Mechanism, but at the United Nations more generally. It has been my profound privilege to do my part to serve that noble end as a Judge for nearly two decades and as President of the Mechanism since the institution's inception. For that extraordinary opportunity to serve, and for the opportunity to bid the Assembly farewell today, I am most grateful.

The President: I would like to thank Judge Theodor Meron for his long-standing dedication, contribution and commitment to international law, justice and human rights. I thank him for his service.

I now give the floor to the observer of the European Union.

Mr. Chaboureau (European Union): I have the honour to speak on behalf of the European Union (EU) and its member States. The candidate countries the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Albania; the country of the Stabilization and Association Process and potential candidate Bosnia and Herzegovina; as well as Ukraine, the Republic of Moldova and Georgia, align themselves with this statement.

We thank President Theodor Meron for the sixth annual report (see A/73/289) of the International Residual Mechanism for Criminal Tribunals, submitted pursuant to article 32 (1) of its statute and covering the period from 1 July 2017 to 30 June 2018.

Concerning the activities of the Mechanism, we would like first of all to express our gratitude to Judge Meron for all that he has accomplished as President of the Mechanism. Judge Meron contributed significantly to enhancing and developing international criminal law and justice during his time at the Residual Mechanism and, before that, at the International Tribunal for the Former Yugoslavia (ICTY). We also congratulate Judge Carmel Agius on his appointment as President of the Mechanism as of 19 January 2019.

We underline the importance of respecting the judicial independence of the Mechanism and its Judges. We take note of the amendments to the Rules of Procedure and Evidence of the Mechanism and the revision of the Code of Professional Conduct for the Judges, as well as of the issuance of practice directions by the President.

On the activities of the President and the Chambers, the EU and its member States commend all the entities of the Mechanism on the work carried out during the period covered by the report. We note with satisfaction the assessment made by Office of Internal Oversight Services on Chambers management.

We note that eight fugitives indicted by the International Criminal Tribunal for Rwanda (ICTR) remain at large. We welcome the efforts of the Office of the Prosecutor to locate and arrest three fugitives

whose cases would be tried by the Mechanism, as well as to seek information on the whereabouts of five fugitives who were expected to be brought to trial in Rwanda after their arrest. In that regard, we appreciate the work carried out by the participants in the European and African Task Forces established by the Office of the Prosecutor in order to locate fugitives.

As mentioned in the report, national prosecutions are now essential to achieving greater justice for the victims of war crimes, crimes against humanity and crimes of genocide committed in the former Yugoslavia and Rwanda. The role of the Office of the Prosecutor to assist and support effective national prosecution of those crimes is therefore crucial, as demonstrated by the 404 requests for assistance received by the Office during the reporting period. Concerning capacity-building for the benefit of national judiciaries prosecuting war crimes, we welcome the organization of training courses under the auspices of the Office in Senegal, Bosnia and Herzegovina and Serbia.

We note with concern that budgetary constraints have exposed the Mechanism to difficulties in terms of staffing, while we also welcome the adoption of its biennial budget for 2018-2019. We commend the Mechanism for having carried out its responsibilities after the closure of the International Tribunal for the former Yugoslavia as of 1 January 2018, as well as for achieving gender parity goals within its staff. We are grateful to the Republic of Tanzania for its support for the completion of the project concerning the Arusha premises. We commend the Registrar on the support provided for judicial activities and other mandated activities, notably concerning the completion of the transfer of the records of the ICTY and the updating of public interfaces to access and search judicial records of the ICTY, the ICTR and the Mechanism.

With regard to the enforcement of sentences, we would like to thank the Member States that have accepted the transfer of persons to serve their sentences on their territory. We are also grateful to the African States that have accepted on their territories persons either acquitted or released after the completion of their sentences. We encourage other Member States to conclude agreements with the Mechanism in that area in order to reduce the number of acquitted and released persons in Arusha.

The EU and its member States will continue to be strong supporters of international criminal justice, whose mission is the promotion of the rule of law, the fight against impunity and the maintenance of international peace and security. We call on all States to cooperate with the Mechanism, in full compliance with their obligations under the relevant Security Council resolutions.

Finally, we regret, and remain concerned about, the circumstances that led to the non-reappointment of former Judge Akay at the Mechanism.

Mr. Arbeiter (Canada) (*spoke in French*): I have the honour to speak today on behalf of Canada, Australia and New Zealand (CANZ).

We would like to take this opportunity to express our continued support for the important work of the International Residual Mechanism for Criminal Tribunals. The ongoing work of the Mechanism ensures that the legacies of the ad hoc tribunals — the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) — endure. The international community should be extremely proud of the accomplishments of those two pioneering Tribunals and their important contributions to international criminal justice. Now that their mandates have ended, the Mechanism carries on their essential work by continuing the fight against impunity for the most serious international crimes.

Our countries remain strong and active supporters of international criminal justice mechanisms and believe that the Mechanism, as well as other international courts, are the cornerstones of the rules-based international order. We would like to emphasize that international support for those mechanisms cannot be extended just at the early stages, when a situation commands international attention. It is easy to overlook the work of those bodies once the horrendous crimes they were established to address fade from the headlines. However, the fact remains that, when it comes to the administration of justice, the later stages of cases can often be as important as their initial stages to ensure that justice is delivered. Therefore, we believe that it is important for the international community to continue to provide support to the Residual Mechanism and other mechanisms to encourage lasting and positive impacts on affected communities, victims and witnesses.

(*spoke in English*)

We express our appreciation for the smooth handover by the ICTY to the Mechanism and the

ICTY's clear commitment to realizing its completion strategy. For the first time since its establishment, the Mechanism is carrying out the full range of functions entrusted to it without the support of its now closed predecessor Tribunals. We commend the Mechanism on achieving that important milestone in its mandate and urge it to draw upon the best practices of and lessons learned from the Tribunals. In that regard, we hope that the Mechanism will carefully consider the recent report of Justice Jallow, following the independent expert review into the death of Slobodan Praljak.

Mr. Ten-Pow (Guyana), Vice-President, took the Chair.

As it was intended, the Mechanism operates with a small staff and limited resources. CANZ appreciates the efforts the Mechanism has made to deliver its mandate without compromise and acknowledges the operational challenges it has faced in that regard. In particular, CANZ would like to highlight the achievements of the Mechanism this year with respect to sentence enforcement. Eight prisoners were transferred from the United Nations detention facility in Arusha to the custody of authorities in Member States. We understand that negotiations for the transfer of the four remaining prisoners are at an advanced stage and expected to be completed by the end of 2018. CANZ commends the Mechanism for its efforts in that area. Those transfers are a significant step towards the completion of the Mechanism's mandate. However, we express our continued concern about the plight of acquitted persons who wish to be relocated from Arusha. We urge the Mechanism to continue dialogue with Member States in search of a practical solution to the difficult situation of those individuals.

CANZ notes that eight fugitives indicted by the ICTR remain at large. Three of the eight fugitives are to be tried by the Mechanism and the remaining five will be tried by Rwanda. We urge Member States to provide greater cooperation to secure their arrest and surrender. That much-needed cooperation with the Mechanism, as with all other international criminal courts and tribunals, is crucial to the path to justice. We remain hopeful that those individuals will one day soon be held to account for their alleged crimes.

CANZ appreciates the work done by the Mechanism in support of national jurisdictions and acknowledges that staff and resources are required to respond to those requests for assistance. The success of the Mechanism is dependent upon the support and cooperation of Member States. We commend such cooperation, and in particular the recent execution by Rwanda of five arrest warrants issued by the Mechanism for individuals accused of interfering with witnesses and the administration of justice.

New Zealand, Australia and Canada renew their pledge of support to the Mechanism. We will continue to offer our full commitment to it, in order to give practical effect to our steadfast and unwavering commitment to international criminal justice.

Mr. Meza-Cuadra (Peru) (*spoke in Spanish*): As a country committed to multilateralism and international law, Peru welcomes the sixth annual report of the International Residual Mechanism for Criminal Tribunals (see A/73/289), presented to the General Assembly today by its President, Judge Theodor Meron, and covering the work of the Mechanism for the period 1 July 2017 to 30 June 2018.

We believe that, while the functions of the Residual Mechanism, established by Security Council resolution 1966 (2010), will continue to diminish over time, the Mechanism will continue to contribute to the development of international criminal law, as did the special tribunals for the former Yugoslavia and Rwanda, while ensuring accountability and preventing impunity.

We welcome the way in which the Residual Mechanism fulfils its mandates and carries out the functions assigned to it, which is especially important after the closure, last December, of the International Tribunal for the Former Yugoslavia. We highlight the steps taken to implement the recommendations of the report of the Office of Internal Oversight Services and take note of the amendments to the Rules of Procedure and Evidence, which call for a balance between the various approaches used in the Romano-German and Anglo-Saxon legal systems. In addition, we would like to commend several African and European Governments for their willingness to allow convicted persons to serve sentences in their respective countries. We also underscore the need to bring fugitives to justice. In that regard, the success of the Residual Mechanism depends to a large extent on State cooperation in enforcing sentences, adhering to rulings and meeting the requests of the Residual Mechanism for assistance.

I would like to conclude by reiterating the commitment of Peru, current Chair of the Security Council's Informal Working Group on International

Tribunals, to the promotion of justice, the rule of law and accountability, as well as to the work of the International Residual Mechanism.

Mr. Arrocha Olabuenaga (Mexico) (*spoke in Spanish*): Mexico thanks President Judge Theodor Meron for the sixth report on the work of the International Residual Mechanism for Criminal Tribunals over the past year (see A/73/289), which reflects the Mechanism's challenges and achievements.

My delegation echoes the words of appreciation expressed by the President of the General Assembly for Judge Meron's work in the service of international justice. We also echo the Judge Meron's own words that justice matters.

My delegation takes note of the difficulties that the Residual Mechanism has faced, in particular considering that, since January and for the first time since its establishment, the Mechanism is shouldering its responsibilities without the administrative and financial support of the International Tribunal for the Former Yugoslavia, following its closure. In order to meet those challenges, we believe it timely that the Mechanism is implementing a cost-cutting plan.

Mexico acknowledges that the Mechanism has managed to establish itself as a small, temporary and efficient structure with the capacity to handle various workloads and strike a balance between its immediate needs and longer-term priorities, as the Office of Internal Oversight Services concluded in March in its review of the Residual Mechanism. That efficiency is reflected in the wide range of activities undertaken by the President, the Chambers, the Office of the Prosecutor and the Registry. We encourage the Mechanism to continue its positive trend of reducing its personnel and expenses, in accordance with its residual and temporal mandate.

Finally, we reiterate that the work of the Mechanism, whose establishment we supported in 2010, is crucial to ensuring the effective culmination of the judicial processes initiated by the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, such as appeals, the protection of witnesses and victims and the enforcement of judgments, as well as to preserving and propagating the valuable legacy of ad hoc tribunals in the development of international criminal law.

Ms. Paláu-Hernández (United States of America): With the closure of the International Tribunal for the Former Yugoslavia (ICTY), in December 2017, the United States thanks those who served at the ICTY for their hard work in providing justice to the victims of atrocities and for their efforts in promoting international criminal accountability. Justice and accountability at the international and national levels remain critically important, particularly in the face of ongoing conflicts where grave crimes have been committed.

The United States commends the International Residual Mechanism for Criminal Tribunals for smoothly assuming the functions of the ICTY and the International Criminal Tribunal for Rwanda (ICTR). During the reporting period, the Mechanism functioned without the support of either Tribunal for the first time, and did so successfully and efficiently.

The United States recognizes President Meron for his continued leadership of the Mechanism. President Meron has faithfully served the Mechanism and, through his work, has helped ensure justice for victims of atrocities and due process for defendants.

During the reporting period, the Mechanism adopted amendments and policies to increase efficiency and clarity with regard to the procedures of the Mechanism. We are hopeful that the expenditure reduction plan implemented by the Mechanism will further increase its efficiency.

We recognize the efforts of Prosecutor Brammertz, particularly in collecting new intelligence and leads on the eight fugitives indicted by the ICTR. Tracking activities have helped develop a clearer picture of the strategies used by the fugitives, and the United States remains hopeful that will aid in the efforts to locate them.

The United States also commends the Prosecutor's assistance to national jurisdictions in their own prosecution of atrocity crimes. In response to requests from Member States, the Office of the Prosecutor handed over more than 310,000 pages of documentation, which will constitute meaningful assistance for the national prosecution of atrocity crimes. The efforts to increase the capacity within national judiciaries, especially in East Africa and the former Yugoslavia, promote the justice and accountability that the international community is committed to providing. Such efforts encourage sovereign national Governments

to take action and ensure the legitimate and effective prosecution of international crimes and other atrocities.

The Mechanism should continue to be supportive of appropriate prosecution by sovereign national Governments. Attention to the Mechanism's mandate as a temporary institution is of particular importance in understanding the need to support national systems for justice. The transfer of nine persons to enforcement States to serve their sentences shows the Mechanism's commitment to its mandate.

October marks the twentieth anniversary of the first rewards, of up to $5 million, that the United States authorized for information leading to the arrest of individuals responsible for war crimes, genocide and crimes against humanity. In the past 20 years, we have paid dozens of rewards totalling millions of dollars to bring those responsible for crimes in the former Yugoslavia and Rwanda to justice. But our pursuit of justice is not over. Eight Rwandans remain at large, and the United States is more committed than ever to ensuring that they are brought to justice. We will continue to offer large rewards for information leading to the arrest of those men. We urge all States to remain relentless in their efforts to find, arrest and surrender those fugitives.

To the victims of those individuals — they are not forgotten. To those fugitives and those who harbour them — we will not cease our search. To Governments — we emphasize that the adjudicated facts established through the proceedings of those Tribunals represent an actual historical record of crimes committed during the conflicts, including genocide. They offer an opportunity for us to reach a shared understanding of what happened and prevent recurrence. None of us gains when individuals or Governments seek to falsely revise facts, deny history, politicize tragedy or portray convicted war criminals as heroes. We must work together to reverse that trend, in a spirit of truth and reconciliation, and ensure the crimes of perpetrators continue to be publicly rejected.

The United States would like to emphasize its gratitude to those who worked with the ICTR, the ICTY and the Mechanism, along with those who continue to work with the Mechanism. Those efforts show that justice can be achieved when the international community comes together. May those who lost their lives in Rwanda and the former Yugoslavia continue to be remembered, and may the efforts to attain justice for them remain strong. It is with great pride that we state our continued support of the Mechanism and our continued commitment to accountability for perpetrators and justice for victims of atrocities.

Ms. Pejic (Serbia): I am grateful for the opportunity to address the General Assembly today on behalf of the Republic of Serbia.

Serbia fulfils all its obligations regarding cooperation with the International Residual Mechanism for Criminal Tribunals. Only one first-instance case and two appeals cases remain before the Mechanism. Our relevant institutions continue to facilitate the Mechanism's Office of the Prosecutor's free access to all evidence, documents, archives and witnesses. That cooperation is unencumbered and all requests have been addressed. Witnesses have been allowed to testify freely, relinquishing their right to not testify on account of State, military and/or official secrets. All conditions under which the defendants were temporarily released were met without exception. The defendants' conduct was in accordance with the decisions delivered by the Mechanism's Judges.

Serbia's initiative related to the enforcement of the sentences of convicted parties in the countries of origin would help achieve the purpose of punishment and resocialization, which the enforcement of the sentences in far-off countries does not do. The convicts do not understand the language of those countries and cannot meet with their families or relatives. More often than not, they are kept in inadequate conditions and provided inadequate health care. Serbia is ready to provide guarantees that all the necessary security measures will be taken if sentences are enforced in the country of origin, and accepts international monitoring.

At the national level, Serbia continues to be committed to processing war crimes irrespective of the nationality of the perpetrators of the grievous crimes against humanity.

At the regional level, my country believes that regional cooperation is the only way to achieve reconciliation and stable relations among neighbouring States. That is why Serbia is actively engaged in deepening and enhancing that cooperation. We have signed bilateral agreements that provide a legal framework for cooperation between our countries in relation to cases of war crimes.

I want to emphasize that we regret the circumstances that resulted in former Judge Aydin Sefa Akay not being reappointed to the Mechanism. We believe that during his time at the Mechanism Judge Akay demonstrated exceptional professionalism and objectivity in performing his duties.

Finally, I would like to underline that Serbia remains fully committed to meeting its obligations in cooperation with the Mechanism.

Mr. Kuzmin (Russian Federation) (*spoke in Russian*): My statement will not be as sunny as that of some of the delegations that preceded me, and I would therefore like to ask members to listen carefully.

We thank the leadership of the International Residual Mechanism for Criminal Tribunals for the presentation of the report (see A/73/289) on its activity. We continue to closely follow its activity and work, including its judicial proceedings. The past year saw the completion of the second two-year cycle of the Mechanism's existence, a review of its work by the Security Council, as provided for in Council resolution 1966 (2010), and the two-year extension of the Mechanism's operation as a result of that review.

At the time of the review, we had hoped that the Residual Mechanism would be able to take into account the mistakes made by its predecessor, the International Tribunal for the Former Yugoslavia (ICTY), in the work of administering international criminal justice, and be able to justify that model's right to exist. However, it appears that we were wildly optimistic. The Mechanism is clearly copying the ICTY's flawed practices. It is using familiar tricks, such as transforming what is really an acquittal into a conviction by limiting the related sentence to time served in pretrial detention, as in the *Vojislav Šešelj* case. Going on the March report of the Office of Internal Oversight Services (S/2018/206), the Mechanism also seems to be following the ICTY's dubious practices with regard to staffing policy and judicial administration. In the past few months the Mechanism's judges have been reshuffled, including through the recusal of the President himself, who according to the Statute should preside over the Appeals Chamber. In that context, we cannot understand how judges who were migrated over to the Mechanism from the ICTY could have been appointed to the *Radovan Karadžić* and *Ratko Mladić* appeal cases in the first place, especially since the roster includes other experts who are not tainted with the deplorable so-called legacy of the ICTY. Doubts have naturally and inevitably arisen about the impartiality of the proceedings under way, and as we understand it, the Mechanism is currently in total chaos.

We have studied the publicly available recent rulings of the Mechanism on the *Mladić* and *Karadžić* cases. Behind the dry bureaucratic language, one thing is clear — the Mechanism's leadership is to a large degree focused on some internal intrigues rather than the administration of justice. We have already frequently warned of the danger of that, including in the Security Council when there was a proposal to reappoint the-then ICTY leadership to analogous posts in the Mechanism.

Against that depressing backdrop, one can imagine how the Mechanism is dealing with other issues, such as providing defendants with timely and appropriate medical care. That is very important, and in that regard we are particularly concerned about the health of Ratko Mladić, for whom we have repeatedly demanded quality medical examination and treatment. We reiterate that if that is an impossible task for the Mechanism's prison doctors, the time has come to release Mr. Mladić temporarily so that he can get treatment in Russia or Serbia.

We have studied the sections of the report on the Residual Mechanism's capacity-building assistance to national judicial organs that prosecute war crimes. As was the case last year, the work is being carried out in countries, among others, that have absolutely no connection to the situations under the Residual Mechanism's consideration. Such so-called capacity-building activity contravenes Security Council resolution 1966 (2010), according to which the Residual Mechanism is a temporary structure with a strictly limited mandate.

We therefore call on the Mechanism to halt its inappropriate expenditure of the funds and human resources allocated to it. We trust that it will not become distracted by tasks not included in its Statute but will rather focus on concluding the functions entrusted to it as quickly as possible.

The Acting President: We have heard the last speaker in the debate on this item.

May I take it that it is the wish of the Assembly to take note of the sixth annual report of the International Residual Mechanism for Criminal Tribunals?

It was so decided.

The Acting President: Before giving the floor to the speaker in the exercise of the right of reply, I would like to remind delegations that statements in the exercise of the right of reply are limited to 10 minutes for the first intervention and five minutes for the second, and should be made by delegations from their seats.

I now give the floor to the representative of Turkey.

Ms. Buner (Turkey): Turkey would first like to thank President Meron for his briefing on the report (see A/73/289) of the International Residual Mechanism for Criminal Tribunals and for his leadership during his term of office. We would also like to take this opportunity to reaffirm our support for the work of the Mechanism, as defined in Security Council resolution 1966 (2010) and subsequent resolutions, with a view to ensuring that a number of essential functions of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda are carried out.

Regarding the unfortunate remarks made by the observer of the European Union and the representative of Serbia about a Turkish national, I would like to set the record straight for the General Assembly. Mr. Aydin Sefa Akay is a Turkish national who was elected to the Mechanism's roster of judges in 2011. In 2016 judicial proceedings were initiated in Turkey and serious criminal charges brought against Mr. Akay for conduct that was outside the scope of his functions as a judge of the Mechanism. Against that backdrop, the Secretariat decided not to reappoint him to the roster in June. As President Meron emphasized in his statement, justice matters and nobody is above the law, including the judges of the Mechanism in matters unrelated to the exercise of their official mandate.

The Acting President: The General Assembly has thus concluded this stage of its consideration of agenda item 130.

The meeting rose at 4.10 p.m.